

109TH CONGRESS
2D SESSION

H. R. 5964

To establish management priorities for Federal forest lands in Oregon and Washington covered by the Northwest Forest Plan that will protect old growth timber while improving the health of young managed stands, increasing the volume of commercial timber available from these lands, and providing economic opportunities in rural areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2006

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish management priorities for Federal forest lands in Oregon and Washington covered by the Northwest Forest Plan that will protect old growth timber while improving the health of young managed stands, increasing the volume of commercial timber available from these lands, and providing economic opportunities in rural areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Rural Employment and
3 Forest Restoration Act of 2006”.

4 **SEC. 2. DEFINITIONS.**

5 In this section:

6 (1) **NORTHWEST FOREST PLAN.**—The term
7 “Northwest Forest Plan” means the collection of
8 documents issued in 1994 and entitled “Final Sup-
9 plemental Environmental Impact Statement and
10 Record of Decision for Amendments to Forest Serv-
11 ice and Bureau of Land Management Planning Doc-
12 uments within the Range of the Northern Spotted
13 Owl” and “Standards and Guidelines for Manage-
14 ment of Habitat for Late-Successional and Old-
15 Growth Forest Related Species Within the Range of
16 the Northern Spotted Owl”.

17 (2) **EMERGING MARKET.**—The term “emerging
18 market” means a new or developing market for
19 small diameter and underutilized wood products,
20 special forest products, and other restoration for-
21 estry by-products.

22 (3) **FOREST HEALTH.**—The term “forest
23 health” refers to conditions that enable forested
24 land—

1 (A) to be durable, resilient, and less prone
2 to uncharacteristic wildfire, while supporting
3 viable native species assemblages; or

4 (B) to have, or to develop, historic species
5 composition, function and structure, and hydro-
6 logic function.

7 (4) LATE-SUCCESSIONAL RESERVE.—The term
8 “late-successional reserve” means land area des-
9 ignated as a “late-successional reserve” pursuant to
10 the Northwest Forest Plan.

11 (5) LOW-IMPACT EQUIPMENT.—The term “low-
12 impact equipment” means any device used in
13 silviculture for restorative, maintenance, or extrac-
14 tion purposes that minimizes or eliminates impacts
15 to soils and other resources.

16 (6) OLD GROWTH.—The term “old growth”
17 means late-successional and mature multi-storied
18 conifer forest stands, generally more than 120 years
19 old as of the date of the enactment of this Act, that
20 provide, or are likely to provide, complex habitat for
21 associated species assemblages.

22 (7) RURAL AND RURAL AREA.—The terms
23 “rural” and “rural area” mean the area of a State
24 not located within a city or town that has a popu-
25 lation of 50,000 or more inhabitants, as defined by

1 the Bureau of the Census using the latest decennial
2 census of the United States.

3 (8) VALUE-ADDED.—The term “value-added”
4 means the additional processing of a product to in-
5 crease its economic value and to create additional
6 jobs and benefits where the processing is carried out.

7 (9) YOUNG MANAGED STANDS.—The term
8 “young managed stand” means a stand of trees
9 where the overstory has been mechanically removed
10 and the stand has been artificially regenerated.

11 **SEC. 3. FINDINGS.**

12 Congress finds the following:

13 (1) The Northwest Forest Plan can be better
14 implemented, and the forests within its boundaries
15 can be better managed. Better implementation, man-
16 agement, and funding could significantly improve
17 protection for native forest ecosystems and wildlife,
18 produce more desirable forest conditions, and sub-
19 stantially increase sustainable timber production and
20 economic opportunities for rural areas.

21 (2) Regeneration logging of old-growth forests
22 diminishes biodiversity and habitat for rare, threat-
23 ened, and endangered species, and generally makes
24 forests less healthy, resilient, and durable. Old-
25 growth logging creates intense public controversy

1 that has prevented attainment of the social and eco-
2 nomic goals of the Northwest Forest Plan. Thinning
3 in younger previously managed forests, and even
4 some dense mature stands, on the contrary, can help
5 recover habitat, reduce controversy, create certainty
6 and stability in wood fiber production, and produce
7 desirable forests.

8 (3) To improve habitat, create more desirable
9 forest conditions, and capture future commodity pro-
10 duction potential, the Forest Service and Bureau of
11 Land Management should implement an accelerated
12 thinning regime across a wide landscape, primarily
13 in young managed stands, and fire suppressed
14 stands at risk of uncharacteristically severe disturb-
15 ance.

16 (4) There are vast unmet thinning needs across
17 the range of the Northwest Forest Plan. Currently
18 there are over one million acres of young managed
19 stands designated as Late-Successional Reserves
20 within the range of the Northwest Forest Plan that
21 need immediate thinning, or will need thinning in
22 the near future. There are approximately one million
23 acres of young managed stands designated as matrix
24 that are also in immediate need of thinning, or will
25 need thinning in the near future.

1 (5) The Forest Service estimates that thinning
2 the millions of acres of young managed stands in
3 Oregon and Washington could produce well over 6
4 billion board-feet of commercial timber over the next
5 two decades. In addition, aggressive thinning in
6 drier forests could produce many tons of non-com-
7 mercial but usable wood fiber, in addition to com-
8 mercial timber, as well as reduce fire risk and create
9 more desirable forests by significantly increasing
10 their resiliency and durability.

11 (6) The timber industry within the range of the
12 Northwest Forest Plan has largely re-tooled its ex-
13 isting mills to process the smaller-diameter commer-
14 cial timber generated from thinning young managed
15 stands and is much less dependent on large-diameter
16 old-growth trees. In addition, one of the obstacles to
17 economic success within the industry and many rural
18 areas is access to a stable and sustainable supply of
19 this smaller-diameter wood.

20 (7) A program of intensive and accelerated
21 thinning in young managed stands, and unhealthy
22 fire-prone stands, could annually yield more than
23 double the volume of commercial timber products
24 over the current production from Federal lands
25 under the Northwest Forest Plan.

1 (8) The Olympic and Siuslaw National Forests
2 represent 9 percent of the National Forest System
3 land in Oregon and Washington under the North-
4 west Forest Plan, but in 2003 produced almost 20
5 percent of the volume in this area. The primary rea-
6 son for the productivity of these two national forests
7 is the absence of appeals and litigation due to local
8 agency emphasis on thinning second-growth stands
9 and the commitment of the Forest Service to, and
10 participation in, locally-driven collaborative efforts.

11 (9) The Siuslaw National Forest generates ap-
12 proximately 20 million board-feet annually, with the
13 potential to generate 50 million board-feet, from sec-
14 ond-growth stands, resulting in millions of dollars
15 for additional restoration projects, other forest ac-
16 counts, payments to local counties, and the Federal
17 treasury.

18 (10) The Gifford Pinchot National Forest was
19 once the top producing forest in the State of Wash-
20 ington. Harvest dropped substantially, to approxi-
21 mately 2 million board-feet of timber per year, due
22 to controversy over old-growth logging. Since shift-
23 ing to an emphasis on thinning second-growth
24 stands and collaborative restoration, the this na-
25 tional forest can now produce nearly 18 million

1 board-feet of commercial timber annually with little
2 controversy, appeals, or litigation.

3 (11) Thinning young managed stands and re-
4 storing drier forests to a more resilient, durable con-
5 dition could significantly contribute to improved for-
6 est health, water quality, wildlife and vegetation di-
7 versity, and the development of vital old-growth eco-
8 systems.

9 (12) Thinning young managed stands, the de-
10 velopment of locally owned manufacturing, and in-
11 creased access to existing and emerging markets
12 could provide thousands of jobs and much-needed
13 economic activity in depressed rural areas within the
14 range of the Northwest Forest Plan.

15 (13) Absent adequate protections for old-growth
16 forest stands and associated species, the survey for
17 old-growth dependent species and resulting manage-
18 ment requirements are desirable and necessary man-
19 agement tools. However, it is unnecessary for the
20 management of young managed stands and only im-
21 pedes management to improve forest health. Absent
22 commercial logging of old-growth stands within the
23 range of the Northwest Forest Plan, it is no longer
24 necessary to require surveys of old-growth dependent
25 species.

1 **SEC. 4. MANAGEMENT DIRECTIVES.**

2 (a) **FOREST HEALTH PROJECTS; PRIORITIZATION.**—

3 Each Forest Service and Bureau of Land Management ad-
4 ministrative unit containing land managed under the
5 Northwest Forest Plan shall plan and implement projects
6 to enhance the forest health of land managed by the ad-
7 ministrative unit. The resources of the administrative unit
8 shall be prioritized so that projects described in sub-
9 sections (b) and (c) are planned for treatment, and treat-
10 ment has begun of significant acreage, before planning of
11 projects described in subsections (d) and (e) is com-
12 menced.

13 (b) **ENHANCEMENT OF LATE-SUCCESSIONAL FOREST**
14 **DEVELOPMENT.**—The highest priority shall be given to
15 projects involving variable density thinning treatments to
16 enhance late-successional forest development in young
17 managed stands. Projects shall avoid impacts to unstable
18 slopes, and avoid disturbance to aquatic systems and soils.
19 All projects shall comply with the management guidelines
20 for late-successional reserves contained in the Northwest
21 Forest Plan, except, notwithstanding the 80-year age limit
22 for late-successional reserve management, active manage-
23 ment to improve forest health in young managed stands
24 may occur up to 120 years of age in a late-successional
25 reserve. Appropriate thinning prescriptions for a late-suc-
26 cessional reserve shall be site-specific to individual young

1 managed stands, taking into account factors such as the
2 slope aspect, soil type, hydrology, geomorphology, and
3 vegetation composition of the site.

4 (c) IMPROVEMENT OF DRY FOREST TYPES WITH
5 HISTORICALLY FREQUENT FIRE EVENTS.—The second
6 highest priority shall be given to projects to increase dura-
7 bility and resiliency in dry forest types with historically
8 frequent fire. Projects shall create more desirable forest
9 conditions by restoring durable forest structure and com-
10 position such that fires maintains rather than destroys
11 old-growth features. Projects shall avoid impacts to unsta-
12 ble slopes, and avoid disturbance to aquatic systems and
13 soils, and protect legacy features, including living and
14 dead large overstory trees. Appropriate thinning prescrip-
15 tions shall be site-specific to individual young managed
16 stands, taking into account factors such as the slope as-
17 pect, soil type, hydrology, geomorphology, and vegetation
18 composition of the site.

19 (d) TESTING OF INNOVATIVE MANAGEMENT TECH-
20 Niques AND STRATEGIES.—An administrative unit may
21 plan and implement silvicultural projects under this sec-
22 tion that test new and innovative management techniques
23 and strategies in adaptive management areas under the
24 Northwest Forest Plan. Projects shall avoid impacts to
25 unstable slopes, streams, and soils, as defined in the

1 Northwest Forest Plan, as well as identified old growth
2 forests.

3 (e) OTHER PROJECTS.—An administrative unit cov-
4 ered by this section shall not plan, advertise, contract, or
5 implement any harvest of timber in an old-growth stand,
6 except for noncommercial use, noncommercial purposes in
7 an emergency situation, such as wildland fire-fighting, or
8 to improve or protect forest health. Other projects may
9 include any management activity allowed by the Northwest
10 Forest Plan.

11 (f) SURVEY AND MANAGE.—The Forest Service and
12 Bureau of Land Management shall not be required to im-
13 plement surveys required in the 1994 Survey and Manage
14 Record of Decision, as well as the 2001 and 2004 Records
15 of Decision. Surveys may be performed by the Forest
16 Service or Bureau of Land Management at their discre-
17 tion.

18 **SEC. 5. RURAL EMPLOYMENT DIRECTIVES.**

19 (a) BEST VALUE CONTRACTING CRITERIA.—The
20 Forest Service and Bureau of Land Management shall
21 consider how they plan, package, and offer contracts and
22 sales to restore young managed stands to achieve max-
23 imum employment in rural areas. In implementing
24 projects, the Forest Service and Bureau of Land Manage-
25 ment shall select a source for performance of a sale, con-

1 tract, or agreement on a best value basis with consider-
2 ation of one or more of the following:

3 (1) Ability of the offeror to meet project eco-
4 logical objectives and the sensitivity of the resources
5 being treated.

6 (2) The use of low-impact equipment or tech-
7 niques that will minimize or eliminate impacts on
8 soil.

9 (3) The ability of the offeror to benefit local
10 economies through the retention or creation of em-
11 ployment or training opportunities in performing the
12 restorative treatments.

13 (4) The ability of the offeror to ensure that
14 wood and other by-products are processed locally
15 and contribute to the development of value-added
16 products for an existing market or emerging market.

17 (b) RETENTION AND CREATION OF JOBS IN RURAL
18 AREAS.—In awarding a Federal contract for projects de-
19 scribed in section 4, the Forest Service and Bureau of
20 Land Management, in evaluating bids and proposals, shall
21 give consideration to local contractors who are from, or
22 who provide employment or training for workers in, an
23 economically disadvantaged rural area, including those
24 historically timber-dependent areas that have been af-
25 fected by reduced timber harvesting on Federal lands and

1 other forest-dependent rural areas isolated from signifi-
2 cant alternative employment opportunities.

3 **SEC. 6. PREPARATION OF PROGRAMMATIC ENVIRON-**
4 **MENTAL DOCUMENTATION.**

5 (a) NEPA DOCUMENTATION.—Each Forest Service
6 and Bureau of Land Management administrative unit con-
7 taining land managed under the Northwest Forest Plan
8 may prepare programmatic environmental documentation
9 pursuant to the National Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et seq.) at the appropriate scale
11 (District, watershed, or subwatershed) to study the signifi-
12 cant environmental effects of the major Federal actions
13 contemplated in projects authorized by section 4.

14 (b) ELIMINATION OF REPETITIVE DISCUSSIONS OF
15 ISSUES.—If programmatic environmental documentation
16 is prepared under subsection (a), the Forest Service or
17 Bureau of Land Management administrative unit may
18 eliminate repetitive discussions of the same issues and
19 focus on the actual issues ripe for decision at subsequent
20 levels of environmental review. Subsequent levels of envi-
21 ronmental review may tier to the programmatic environ-
22 mental document by summarizing the issues discussed in
23 the broader statement and incorporate discussions from
24 the broader statement by reference.

1 **SEC. 7. IMPLEMENTATION REQUIREMENTS AND AUTHOR-**
2 **IZATION OF APPROPRIATIONS.**

3 (a) **RELATION TO NORTHWEST FOREST PLAN.**—This
4 Act is intended to supplement the requirements of the
5 Northwest Forest Plan. Except as provided in section 4,
6 all projects on land managed under the Northwest Forest
7 Plan shall be planned and implemented in compliance with
8 the Northwest Forest Plan and all other applicable laws.

9 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
10 are authorized to be appropriated \$50,000,000 for each
11 fiscal year to plan and implement projects under section
12 4. Amounts appropriated pursuant to this authorization
13 of appropriation shall remain available until expended.
14 This authorization of appropriations is in addition to any
15 other authorization of appropriations for the Forest Serv-
16 ice or the Bureau of Land Management.

17 (c) **TREATMENT OF PROCEEDS FROM CERTAIN**
18 **PROJECTS.**—

19 (1) **RETAINED PROCEEDS.**—Subject to para-
20 graph (2), an administrative unit of the Forest Serv-
21 ice or the Bureau of Land Management may retain
22 proceeds from the sale of commercial timber result-
23 ing from a project described in section 4(b) for use
24 in planning and implementing other projects under
25 such section and other projects to improve forest

1 health of land managed under the Northwest Forest
2 Plan.

3 (2) RELATION TO OTHER FOREST RECEIPT
4 LAWS.—Nothing in this Act shall affect deposits to
5 the Knudsen-Vanderburg Reforestation Trust Fund
6 established under section 3 of the Act of June 9,
7 1930 (16 U.S.C. 576b), the requirement to make
8 payments to States or counties under any provision
9 of law, or other obligations related to receipts ob-
10 tained from the sale of forest products from Federal
11 land.

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